

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DEAN KRUSE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:10-CV-00323
)	
GOLDMAN, SACHS & CO., INC., et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On March 24, 2011, a hearing was held and concluded in this matter to address, in part, the Plaintiffs' failure to achieve service of process on the Defendants. (Docket # 12.) The Court noted that this case was originally filed on September 13, 2010, and, six months later, the Plaintiffs had still not served the Defendants. Nonetheless, based on the Plaintiffs' conclusory allegation that Defendants are somehow evading service, but also because, following the withdrawal of their counsel, the Plaintiffs were now proceeding *pro se*, and to give them every opportunity to advance this case, the Court granted the Plaintiffs up to and including May 23, 2011, to effectuate service on Defendants. The Plaintiffs were warned that if they did not serve the Defendants by that date, their case would be subject to dismissal.

That deadline has come and gone and the Plaintiffs have apparently not effected service on the Defendants. Although this case could presently be dismissed, *see* Fed. R. Civ. P. 4(m); *Panaras v. Liquid Carbonic Indus. Corp.*, 94 F.3d 338, 340-41 (7th Cir. 1995) ("If . . . good cause does not exist [for the failure to serve], the court may, in its discretion, either dismiss the action without prejudice or direct that service be effected within a specified time."), the Court will nevertheless, and on its own motion, grant the *pro se* Plaintiffs one final extension, to and

including June 13, 2011, to show that they have already achieved service of process on the Defendants, or to effectuate service. If the Plaintiffs fail to do either, the Magistrate Judge will recommend to the District Judge that this case be dismissed without prejudice under Rule 4(m).

The Clerk is DIRECTED to send a copy of this Order to Plaintiffs Dean Kruse and Kristin McGrade Kruse at 5437 County Road 27, Auburn, Indiana, 46706.

SO ORDERED.

May 25, 2011.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge